

PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Wednesday, September 7, 2016 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, Wisconsin.

Present: Chair Buckley, Supervisor Clancy, Supervisor Nicholson, Supervisor Zima, Supervisor Evans
Also Present: Public Safety Communications Director Cullen Peltier, Interim Corporation Counsel Kristen Hooker, Technology Services Director August Neverman, Medical Examiner Director of Operations Barry Irmen, Director of Administration Chad Weininger, Emergency Management Director Jerad Preston, District Attorney David Lasee, Supervisor Bernie Erickson, Supervisor Staush Gruszynski, Chief Deputy Todd Delain, Judge Zuidmulder, Clerk of Courts John Vander Leest, Treatment Court Coordinator Joe Torres, media.

**Audio of this meeting is available by contacting the County Board office at 920-448-4015*

I. Call meeting to order.

The meeting was called to order by Chair Buckley at 11:00 am.

II. Approve/Modify Agenda.

Chair Buckley indicated he would like to move Items 5 and 8 to follow comments from the public. In addition, there will be no action taken on Item 9.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to approve as amended. Vote taken.

MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of August 3, 2016.

Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public. None.

Although shown in the proper format here, Items 5 and 8 were taken at this time.

1. Review minutes of:

- a. Criminal Justice Coordinating Board (June 9, 2016).
- b. Fire Investigation Task Force Board of Directors (June 9, 2016).

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file Items 1 a & b. Vote taken. MOTION CARRIED UNANIMOUSLY

Communications

2. Communication from Supervisor Kaster re: Review the new Medical Examiner/Forensic Pathologist' Department operation and relationship with funeral homes – include input from funeral homes. *Motion at Exec: Refer to Public Safety.*

Chair Buckley said this item was addressed at an earlier Public Safety meeting. Medical Examiner Director of Operations Barry Irmen agreed and did not feel there was anything further that needs to be done at this time.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

3. **Communication from Supervisor Schadewald re: This communication is my request for the Public Safety Committee to propose a resolution to send to the WI State Legislators and the Governor voicing our support to provide benefits similar to our U.S. armed forces to our public safety personnel who are killed in the line of duty. Referred from August County Board.**

Director of Administration Chad Weininger informed that Supervisor Schadewald had spoken with the HR Director about this and was provided with information. He would suggest this be forwarded to the Executive Committee for further discussion.

Supervisor Evans presumed that officers who get killed in the line of duty probably get a better payout than those in the armed forces. Buckley and Supervisor Nicholson both said the military has raised their amount to \$600,000. Weininger said there are a number of benefits available for law enforcement officers. Buckley would like to see all of the benefits available to law enforcement officers before this is discussed further. Evans did not have a problem sending this to Executive Committee, even though the benefits would be something to talk to the state legislators about.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to forward to Executive Committee. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure County Board policies are followed, and present them yearly to Administration to ensure compliance. Motion at Exec: Refer to each committee.**

Supervisor Erickson said he brought this forward to Planning, Development and Transportation and it was mainly designed for the Highway Commissioner. He did not have any idea that this would be going to all Committees. Erickson said when new policies are put into place, the policies should be written down and put in a binder that is readily available to everyone, especially because of the turnover rate. Erickson continued that at least once a year the binders should go to the Clerk's office so the policies can be recorded. He wants to utilize this in the Highway Commissioner's office, but felt it was a good idea all the way around.

Buckley asked if policies are available online. Erickson responded that some of them are online, but there is no uniform way of doing this. Technology Services Director August Neverman added that all of the administrative policies are on the County intranet, but the specific departmental policies are not on the intranet. The ultimate keeper of the policies should be the department heads according to Erickson, but Buckley felt that HR should actually be the keeper of the policies, especially since most of the policies go through HR.

Evans added that in any other organization there would be a repository of all this information that is labeled in its own file and is available on the internet and broken down from there. He did not know why this is not being done in the County already because it is actually quite simple. Evans said the information is probably available somewhere, but is not being utilized as it should be. He felt HR should be putting this together in one document that is readily available. In reality this should be on the internet because the public also has an absolute right to know what the County policies are. Evans felt this is actually more of an Administration Committee item, not a Public Safety item.

Supervisor Clancy asked if there was some sort of orientation when a new department head or supervisor comes in that breaks down the policies or if they just learn as they go along. He thought it was a good idea to be able to provide the parameters to new people coming in.

Motion made by Supervisor Evans, seconded by Supervisor Nicholson to send this to Human Resources to develop a repository of policies for department heads, staff and the public and report to Administration Committee. Vote taken. MOTION CARRIED UNANIMOUSLY

5. **Communication from Supervisor Erickson re: Jail Overcrowding. After discussions with Sheriff John Gossage and Judge Don Zuidmulder I am proposing to have a judge or court commissioner work a few hours on Saturday to review the case load that comes in on the weekend so arrangements can be made to release a percentage of those arrested to lighten the jail capacity on weekends. Judge Zuidmulder and Sheriff Gossage both have concluded that this is a good idea and would provide some capacity relief. *Referred from August County Board.***

Erickson said this is pretty self-explanatory. He has already talked with Judge Zuidmulder and Sheriff Gossage about this and both seem to think this may be a good idea. Erickson would like the Committee to move this forward for staff to figure out what costs would be and what percentage of people could be moved out of the jail. He continued that there are currently six Court Commissioners who could hold hearings and he thought their schedules could be staggered so every six weeks someone would have to work on a weekend to do this. This is a possibility to move some things around to help with the crowding issues at the jail. Supervisor Nicholson opined that this would be a good idea. Erickson said he is looking for options and if this does not go through, at least it will get people thinking.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to refer to the Sheriff's Office, Judge Zuidmulder, the DA's office and the Clerk of Courts to review and come back with a recommendation at the next meeting. *No vote taken.*

Evans suggested this be sent to the Criminal Justice Coordinating Board because all of the people listed in Nicholson's motion attend that meeting along with a number of other agencies. DA Dave Lasee agreed and said all of the players in the system who would deal with this are on that Board and could give good input. Chief Deputy Todd Delain also agreed the Criminal Justice Coordinating Board would be a good place to send this and said the Sheriff would probably be in agreement as well.

Supervisor Clancy asked if there was a way to keep this moving along so we could get an idea in the next few months as to whether this is possible or not. Buckley said that it may take some time because there are a lot of considerations such as Courthouse security, staffing and a number of other moving parts.

Motion by substitution made by Supervisor Evans, seconded by Supervisor Nicholson to forward this to the Criminal Justice Coordinating Board. Vote taken. MOTION CARRIED UNANIMOUSLY

6. **Communication from Supervisor Buckley re: Request that the Human Services Director attend the next Public Safety meeting to explain how an inmate escaped from the secure portion of the CTC Center. *August motion: To refer this to the Human Services Department to come back with solutions to rectify this issue.***

Pritzl was unable to attend this meeting and therefore a motion was made to hold for one month.

Clancy commented that it is really not the responsibility of the CTC to be the keeper of the criminals. The people at the CTC are not really criminals to that extent, but are supposed to be sent out there for therapy and no matter how good security is, if there is not appropriate law enforcement personnel there is always the possibility of someone escaping. He said if the CTC is that worried about it, there should be more staff from law enforcement there. Buckley said if the Police or Sheriff's Department drops someone off in the secure part of the facility, the County has to be sure that it actually is secure, and if it is not, we have to figure out what we have to do to be sure it is secured.

Evans added the facility is not a jail. The people in the nursing home or psych unit are not criminals. Further, there are state and federal laws and people have rights and it is not okay to detain people that have not been charged with a crime. He thinks this should be thrown back on the Sheriff's Department and he does not like the idea of putting an inmate in with other people who are not inmates.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to hold for one month. Vote taken.
MOTION CARRIED UNANIMOUSLY

Resolutions and Ordinances

7. Resolution to Approve Legislation Allowing Counties to Seize Drunk Drivers' Vehicles. *Referred back from August County Board.*

Nicholson said this was referred back because Supervisor Gruszynski had some questions regarding the proposed resolution. Gruszynski would like to know why this was taken off the table in 2009 by the state legislature and secondly, who is asking for this resolution at this time. Nicholson said that he does not know why it was taken off in 2009, but he is the one asking for this to be put back into effect.

Gruszynski asked if there are any statistics that show there has been an increase in drunk driving since 2009 because of this. If there are such statistics he would like to see them added to the resolution. Nicholson asked Delain if he can get statistics together from 2009 to the present to see if there is an increase in drunk driving. Gruszynski said he would also like to know why this was taken off the table in 2009 before this moves forward.

Delain responded that the Sheriff's Office would obviously not be able to give statistical information for OWI-related arrests from the City of Green Bay, De Pere, Ashwaubenon and the other jurisdictions. He also said the DA's office would handle all of the crime-related OWIs which would be second offenses or greater or other circumstances such as where there is an accident with injuries. He can provide statistical information from the Sheriff's Department but noted that it would not provide a true, accurate representation of Brown County because the Sheriff's Department is just one agency of many in the County. There are other agencies that would have good information that he does not have access too. Delain also said that information from the DA's office would miss all of the first time offenses that are in municipal court. Nicholson said he is looking for the numbers for habitual offenders and Delain said that he can reach out to get this information.

Judge Zuidmulder said the requested information could all be gathered by the Clerk of Court's office because CCAP enters all convictions by the statute so all that would need to be done is enter in the OWI statute and then ask for data per year and the system will generate the cases by first offense, second offense, third offense, etc. Buckley asked Judge Zuidmulder if he has heard of issues with seizures in the past. Judge Zuidmulder responded that in his 18 years on the bench this has never come up.

Gruszynski added that before this resolution is acted upon he would like language added that this is more for habitual offenders and not first time offenders.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to refer to the Clerk of Courts to obtain the numbers requested. Vote taken. MOTION CARRIED UNANIMOUSLY

8. Initial Resolution Authorizing the Issuance of Not to Exceed \$1,970,000 General Obligation Promissory Notes of Brown County, Wisconsin in One or More Series at One or More Times.

Director of Administration Chad Weininger informed this refers to two different projects. One of the projects is with regard to the jail cameras and security system which is well overdue for replacement. This is somewhat critical from a liability standpoint. Weininger would like this approved by this Committee so they can move forward and bond for this money so the project can be done.

The other piece of this is with regard to the Land Records system which is an AS 400 system. There are problems with support of this system and, in addition, the State is requiring additional data which may not be able to be provided under the current system. In order to meet the next issuance of tax bills Weininger would like to bond now to get the new system up and running.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

9. **Initial Resolution Authorizing the Issuance of Approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin.**

No action taken.

Circuit Courts, Commissioners, Probate

10. **Budget Status Financial Report for July 2016.**

Motion made by Supervisor Evans, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

11. **Discussion and possible formation of an OWI Court – Judge Zuidmulder.**

Judge Zuidmulder talked to Treatment Court Coordinator Joe Torres about this. He said he would like to address this more thoroughly at the December Public Safety meeting. There are a lot of OWI Treatment Courts in the State, but they all aim at different populations and Judge Zuidmulder would like some time to look at this. The second and third offense OWIs are different than the fourth, fifth, six and above offenses which are felonies and those offenders are off to the state prison system. The second and third offenses are a different target group. Judge Zuidmulder said a determination would have to be made as to what population will be targeted. The focus could be to make people go through treatment to reduce the likelihood that they will reoffend. He did not think something like that would be too expensive. Alternatively, if attention is going to be directed at people who are on their fourth or fifth offense, more intense supervision would be needed if we are going to allow these people to stay in the community to work on treatment.

Zima asked Judge Zuidmulder and Delain what percent of the current jail population has OWI offenses and if there are statistics as to how many OWI offenders offend more than once. He would like to get this information because if there is no place to send these OWI offenders for long-term treatment, he did not know how successful an OWI Treatment Court would be. Zima continued that the disease of alcoholism has more control over people than anything. Efforts need to be put into some sort of long-term treatment program in order to get reformation. Currently the County does not have such a facility and Zima felt this should be a piece of the puzzle.

Judge Zuidmulder said the number of offenses is not what is important; the BAC level is what is important. He said people that have alcohol levels of .224, .225, and above are alcoholics who have consumed so much alcohol over their lifetime and are out operating a vehicle at a BAC level that most toxicologists would say could be deadly. The .08 and .10 people seem to figure it out and get out of the system. In addition, no matter how long someone is kept in prison, at some point they will come out and if there is no long-term grasp on the alcohol problem, those people will have additional offenses. He agreed with Zima that treatment is very important.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to have Judge Zuidmulder come back in December with additional information. Vote taken. MOTION CARRIED UNANIMOUSLY

Sheriff

12. **Budget Status Financial Report for July 2016.**

Chief Deputy Todd Delain reported that expenses through June are at 59%. Personnel expenses through July are 59% which is what they expected and revenue through July is at 50% which is also what was expected. Delain noted revenue will be decreasing due to transitioning the juveniles to free up space for adults. There have also been a lot of retirements and some people out with medical issues that have resulted in overtime expenses. In addition, there have been some significant investigations which have also impacted the overtime budget. Delain said the budget is tight but the Sheriff's Department should end the year pretty close to budget.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

13. Resolution re: The position of Chief Deputy in the Sheriff's Department.

Buckley informed this goes back to the class and comp study and noted that the Chief Deputy position is the last one to be addressed. This falls in line with what was done with everyone else, but because the Chief Deputy is separate from the union people and the administration, it has to be dealt with separately. Weininger added that at the last budget meeting the Chief Deputy position came up but it did not really have a wage assigned to it and it was not put in the class and comp. The Board's direction was to place the position in the structure and this resolution would assign a pay increase for where the Chief Deputy falls in the class and comp.

Zima questioned this being done mid-term. Buckley responded that all of the other positions were addressed earlier except this one and this resolution will clean that up. Weininger added that the Chief Deputy is the only position outside the union contracts that has not been assigned in the class and comp. This takes the Chief Deputy from a floating entity and puts the position into the class and comp grade where it fits. Nicholson asked what the increase in wages would be. Weininger noted that it would be a 2% increase for the year which would amount to about \$1,900 for the year.

Motion made by Supervisor Evans, seconded by Supervisor Clancy to approve. Vote taken.

Ayes: Buckley, Zima, Evans, Clancy

Nay: Nicholson

MOTION CARRIED 4 TO 1

14. Sheriff's Report.

Delain informed they are working on the presentation regarding the jail for the September County Board meeting. They are continuously gathering statistical data and have brought this forward at the Criminal Justice Coordinating Board to get a collaboration with the DA's office, Circuit Courts and Sheriff's Office to address jail overcrowding.

Delain continued that the Sheriff asked him to talk about Fonferek's Glen. The security guard out there appears to be working out well. There was a call over the weekend for individuals possibly smoking marijuana, but the individuals left prior to the arrival of law enforcement. Delain said having security out there has really brought focus to illegal activity and is having a positive impact. Evans noted he had seen they wanted to ban smoking at Fonferek's Glen and asked what the status of that was. Delain responded that that was brought up at Ed and Rec but he did not know what the status was. Evans felt that banning smoking will not solve the problems of people there after hours, smoking marijuana, falling off the cliffs and drinking alcohol. He felt it was foolish to ban smoking as a way to alleviate these other problems. Nicholson said he has received feedback from people who live in the Fonferek's Glen area who are appreciative of what is being done and wished to say thank you.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.

MOTION CARRIED UNANIMOUSLY

District Attorney

15. 2017 Executive Bonding Proposal and Capital Improvement Program (CIP). *August motion: To hold for one month for Administration to come back and advise the Committee where they are at with bonding.*

Buckley noted this had been discussed earlier and is taken care of. Weininger said they plan on moving this up to the 2017 budget proposal because there is staff capacity to do the project. The project will result in streamlining the sharing of information. Lasee added that this is good project and will result in improved efficiency and management in sharing materials. He noted that the Sheriff's Department is working on a similar project and he

wants to be sure that whatever software the Sheriff's Department decides on is compatible with the DA's software.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

16. District Attorney Report.

Lasee reported his office remains very busy. Evans asked for his thoughts on Erickson's communication regarding holding court on Saturdays. Lasee responded he would like to see the numbers and how many jail days it would save. He would have to hash through this. He said if this would need significant staff time from the DA's office, court security, etc., it may offset the cost of the few people that get out. He would like to see the actual impact, but he did say that he thought the bigger bang for the buck would be the day report center.

Motion made by Supervisor Nicholson, seconded by Supervisor Zima to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Medical Examiner

17. Budget Status Financial Report for July 2016.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

18. 2016 Brown County Medical Examiner Activity Spreadsheet.

Medical Examiner Director of Operations Barry Irmen said the numbers speak for themselves. Suicides are up considerably and homicides are higher than they like to see. The number of investigations and autopsies are fairly level.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Emergency Management

19. Budget Status Financial Report for July 2016.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

20. Director's Report.

Emergency Management Director Jerad Preston reported that things are going well in the office. They are finishing up the fiscal year. They are also in the process of filling the Emergency Management Coordinator position. There were 44 applicants and interviews will be starting soon.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Public Safety Communications

21. Budget Status Financial Report for July 2016.

Motion made by Supervisor Evans, seconded by Supervisor Nicholson to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

22. Directors Report.

Public Safety Communications Director Cullen Peltier informed that Communication Specialist John Lampkin retired on August 20. They will be looking to hire for that position and Peltier will keep the Committee advised of this process. With regard to the text to 911, there is a solid timeline with the vendors and carriers and Peltier said they hope to go live by the end of the year.

Motion made by Supervisor Nicholson, seconded by Supervisor Evans to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Clerk of Courts

23. Budget Status Financial Report for July 2016.

Clerk of Courts John Vander Leest reported that the budget for 2016 looks good. Expenses are down and revenues are up and they have done a good turnaround since 2015.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to receive and place on file. Vote taken.
MOTION CARRIED UNANIMOUSLY

Other

24. Audit of bills.

No bills were presented.

Motion made by Supervisor Evans, seconded by Supervisor Clancy to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

25. Such other matters as authorized by law. None.

26. Adjourn.

Motion made by Supervisor Clancy, seconded by Supervisor Evans to adjourn at 12:03 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary